## BEFORE THE MEDICAL LICENSING BOARD OF INDIANA CAUSE NO. 2010 MLB 0007

	)	FILED
IN THE MATTER OF THE	)	JUL <b>2 1</b> 2010
LICENSE OF KAMAL TIWARI, M.D.	)	
LICENSE NO: 01034945A	)	Indiana Professional Licensing Agency

## PETITION FOR SUMMARY SUSPENSION

The State of Indiana, by Counsel, Elizabeth Kiefner Crawford and Christa J. Jewsbury, Deputy Attorneys General, moves the Medical Licensing Board of Indiana (Board) to suspend the license of Kamal Tiwari, M.D. (Respondent) for 90 days and in support of its petition states the following:

- 1. Respondent is a licensed Physician in the State of Indiana.
- 2. This Board has jurisdiction to suspend Respondent's license in accordance with the provisions of Indiana Code § 4-21.5-4 et seq. and Indiana Code § 25-1-9-10.
- 3. Respondent's Drug Enforcement Administration (DEA) Certificates of Registration were placed on immediate suspension as of April 30, 2010, he was personally notified on that date, and they remain suspended at the time of the filing of this Petition.
- 4. Sometime in May 2010, Respondent conducted a meeting at The Cheesecake Factory in Greenwood, Indiana. Employees of Pain Management Center of Southern Indiana (PMC) including Dr. Glenn Ballengee, D.O. (Dr. Ballengee) and Dr. Brad Strausburg, M.D. (Dr. Strausburg) were present at this meeting. At this meeting Dr.

Ballengee agreed to sign off on prescriptions for controlled substances for Respondent's patients.

- 5. On or about July 6, 2010, Nurse Practitioners Kimberly Mosley (Mosley) and Lisa Harris began employment with PMC. Prior to beginning their employment, the nurse practitioners were not informed by Respondent or any representative of PMC that Respondent could not write prescriptions for controlled substances. Mosley personally saw Dr. Ballengee sign prescriptions for controlled substances for patients that were seen by Respondent only.
- 6. On or about July 14, 2010, Dr. Ballengee voluntarily surrendered his DEA Certificate of Registration. Dr. Ballengee contacted PMC to report his surrender before 10:00 a.m. on that date. Dr. Ballengee was listed as the primary collaborative physician for both Mosley and Harris on their nurse practitioner collaborative agreements filed with the State of Indiana. After the surrender of his DEA, Ballengee could no longer serve as the primary collaborative physician for Mosley or Harris; however, neither Mosley nor Harris was told of Dr. Ballengee's surrender of his DEA Certificate of Registration by Respondent or any other employee of PMC.
- 7. Patient A was seen by Respondent at the Columbus location of PMC on June 8, 2010. On June 8, 2010, Patient A received three (3) prescriptions for controlled substances which were written out by Respondent and his medical assistant. The prescriptions Patient A received never left the exam room and were handed to Patient A prior to the patient leaving the exam room. The three (3) prescriptions for controlled substances contain Dr. Ballengee's signature although Dr. Ballengee did not provide any care to the patient on this date.

- 8. Patient B was seen by Respondent at the New Albany location of PMC on June 30, 2010. Patient B received prescriptions for controlled substances with Dr. Ballengee's signature without seeing any other physician besides Respondent.
- 9. If allowed to continue to practice as a licensed Physician, Respondent represents a clear and immediate danger to the public health and safety.

WHEREFORE, the State of Indiana requests that this Board set a hearing on this petition for summary suspension and suspend Respondent's license for a period of ninety (90) days and for all other proper relief.

Respectfully submitted,

GREGORY F. ZOELLER Attorney General of Indiana

By: Crawto

Elizabeth Kiefner Crawford Deputy Attorney General Attorney Number: 24261-49A

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Christa J. Jewsbury

Deputy Attorney General Attorney Number: 27180-49

Deputy Attorney General Elizabeth Kiefner Crawford Office of the Attorney General Indiana Government Center South 302 West Washington Street, Fifth Floor Indianapolis, IN 46204-2770 (317) 234-2257

## **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing "Petition for Summary Suspension" has been served upon the Respondent's counsel via email and facsimile, on this 21st day of July, 2010:

Arend Abel Counsel for Respondent Cohen & Malad, LLP 1 Indiana Square, Suite 1400 Indianapolis, IN 46204

> ECrawford Elizabeth Kiefner Crawford